

Message Text

LIMITED OFFICIAL USE

PAGE 01 BEIRUT 02935 141302 Z

47

ACTION EB-11

INFO OCT-01 EUR-25 EA-11 NEA-10 ADP-00 CAB-09 CIAE-00

COME-00 DODE-00 INR-09 NSAE-00 RSC-01 FAA-00 SS-14

NSC-10 L-03 INRE-00 RSR-01 /105 W
----- 050114

P R 141210 Z MAR 73

FM AMEMBASSY BEIRUT

TO SECSTATE WASHDC PRIORITY 1078

INFO AMCONSUL HONG KONG

AMEMBASSY TOKYO

FAA BRUSSELS

LIMITED OFFICIAL USE BEIRUT 2935

E. O.#11652: N/ A

TAGS: ETRN, LE, HK, JA, US

SUBJ: CIVAIR: TMA SCHEDULED SERVICES HONG KONG- TOKYO- U. S.

REF: BEIRUT 0180 (1973), 1183 (1972)

SUMMARY: TMA PRESIDENT ABU- HAIDAR INFORMS EMBASSY THAT POSITION TAKEN BY CAB TO HOLD FORMAL HEARING ON WHETHER TMA MAY EXERCISE TRAFFIC RIGHTS AT HONG KONG ADJUDICATES A RIGHT ALREADY AFFIRMED IN USG- GOL ACCORD. POINTS OUT THAT, AS LANGUAGE OF TEXT GRANTING PAN AM TRAFFIC RIGHTS HONG KONG SIMILAR TO LANGUAGE OF TEXT GRANTING TMA THIS RIGHT, IT WOULD BE INCONSISTENT FOR ONE AIRLINE TO HAVE THIS RIGHT AND NOT THE OTHER. HE HAS THEREFORE RAISED THE ISSUE WITH GOL HIGH AVIATION COUNCIL. PAN AM INFORMED OF THIS STEP. ABU- HAIDAR'S MOVE OBVIOUSLY TACTICAL BUT IT WOULD SEEM TO BE IN OUR INTEREST TO RE- EXAMINE AT THIS STAGE THE SOUNDNESS OF OUR POSITION ON TMA'S RIGHT TO TRAFFIC RIGHTS AT HONG KONG AND ON ACTION REQUIRED BY CAB TO SETTLE THIS MATTER. END SUMMARY.

1. MUNIR ABU- HAIDAR, TMA PRESIDENT INFORMED EMBASSY MARCH 13 THAT HIS AIRLINE PLANNING TO ADD HONG KONG
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BEIRUT 02935 141302 Z

AS INTERMEDIATE POINT ON LEBANON- U. S.- LEBANON TWICE-WEEKLY EASTBOUND SCHEDULED SERVICES EFFECTIVE APRIL 1, 1973.

2. HE AGAIN POINTED OUT THAT BY USG- GOL EXCHANGE OF NOTES DATED AUGUST 27, 1970, GOL ACCORDED INTERIM RIGHTS (UNTIL MAY 27, 1976) FROM LEBANON VIA INTERMEDIATE POINTS IN ASIA TO NEW YORK AND BEYOND VIA SHANNON OR DUBLIN, AMSTERDAM AND BASEL TO LEBANON, IN AN EASTBOUND DIRECTION ONLY. THIS WOULD COVER INTERMEDIATE POINT HONG KONG. HOWEVER, FOREIGN AIR CARRIER OPERATING PERMIT ISSUED BY USG ON MAY 8, 1971, DEVIATED FROM LANGUAGE OF NOTE EXCHANGE BY SPECIFYING INDONESIA, MALAYSIA, AND PHILIPPINES, TAIWAN, JAPAN, WHICH EXCLUDES HONG KONG.

3. ABU- HAIDAR STATES GOL FORMALLY BROUGHT TO ATTENTION OF USG THAT LANGUAGE OF TMA' S PERMIT WAS MORE RESTRICTIVE THAN EXCHANGE OF NOTES, WITH NO RESPONSE FROM USG.

4. ABU- HAIDAR INDICATES THAT CAB INSISTENCE ON FORMAL HEARING (DUE PRESSURE FROM THE FLYING TIGER LINE) ADJUDICATES TMA' S HONG KONG RIGHTS ALREADY AFFIRMED BY GOL- USG AGREEMENT, AND MOREOVER WOULD INHIBIT TMA EXERCISING HONG KONG RIGHTS UNTIL AT LEAST FALL 1973, AT EARLIEST.

5. NOT COINCIDENTALLY, ABU- HAIDAR RECALLED THAT PAN AM' S RIGHTS AT HONG KONG ON THE U. S.- LEBANESE ROUTE ARE REFERRED TO IN THE AIR TRANSPORT AGREEMENT AS QUOTE FROM THE UNITES STATES VIA INTERMEDIATE POINTS IN EUROPE AND TURKEY TO BEIRUT AND BEYOND VIA POINTS IN INDIA AND BEYOND VIA POINTS TO THE UNITED STATES. END QUOTE. OBSERVED THAT LANGUAGE USED TO COVER TMA' S RIGHTS AND PAN AM' S RIGHTS WAS BASICALLY THE SAME AND THAT IT WAS INCONSISTENT, THEREFORE, FOR HONG KONG TO BE AUTHORIZED BY ONE AND NOT BY THE OTHER. ADDED THAT HE HAD POINTED OUT THIS INCONSISTENCY TO THE GOL HIGH AVIATION COUNCIL, SUGGESTING THAT IT MIGHT WISH TO TAKE APPROPRIATE ACTION.

6. EMBASSY SUBSEQUENTLY CHECKED OUT THIS MATTER WITH HIGH AVIATION COUNCIL' S DIRECTOR GENERAL CIVIL AVIATION (BEYDOUN) WHO CONFIRMED THAT COUNCIL PLANNING TO DISCUSS PROBLEM ON MARCH LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 BEIRUT 02935 141302 Z

21 BUT THAT IT WAS AS YET NOT KNOWN WHAT ACTION, IF ANY, WOULD

BE TAKEN. FIRST OF ALL, A REVIEW WOULD HAVE TO BE MADE TO DETERMINE, IF IN FACT, THE USG IN GRANTING FOREIGN AIR CARRIER PERMIT TO TMA IMPOSED RESTRICTIONS INCONSISTENT WITH AGREED-UPON OPERATING RIGHTS.

7. WE HAVE INFORMED PAN AM'S LOCAL REGIONAL MANAGER, WILLIAMS, OF THE COMMENTS MADE BOTH BY ABU- HAIDAR AND THE DIRECTOR GENERAL OF CIVIL AVIATION.

COMMENT: AS PREDICTED LAST NOVEMBER (BEIRUT 11835), THIS MATTER HAS FINALLY COME TO A HEAD. IN GENERAL, WE ARE INCLINED TO BE SYMPATHETIC, IF NOT TO ABU- HAIDAR'S TACTICS, AT LEAST TO HIS BASIC ARGUMENTS. FROM THE WORDING OF THE AGREEMENT INVOLVED, IT WOULD SEEM THAT TMA WOULD HAVE AS MUCH RIGHT TO TRAFFIC RIGHTS AT HONG KONG AS PAN AM. OBVIOUSLY ABU- HAIDAR IS MORE INTERESTED IN GETTING TO HONG KONG THAN NOT HAVING PAN AM FLY THERE AND THE "OVSERVATIONS" HE HAS MADE SO FAR HAVE THIS IN VIEW. HOWEVER, IN ANTICIPATION OF POSSIBLE DIFFICULTIES WE BELIEVE IT WOULD BE IN OUR INTEREST NOW TO RE- EXAMINE THE MATTER IN FURTHER DETAIL IN ORDER TO CONFIRM THE SOUNDNESS OF OUR POSITION, BOTH WITH RESPECT TO THE ISSUE OF HONG KONG AND THE LANGUAGE OF THE USG- GOL EXCHANGE OF NOTES AND WITH RESPECT TO WHAT FORMALITIES ARE IN FACT REQUIRED BEFORE CAB ACTION CAN BE TAKEN.
BUFFUM

LIMITED OFFICIAL USE

*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 14 MAR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: worrelsw
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973BEIRUT02935
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Film Number: n/a
From: BEIRUT
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730330/aaaahwmb.tel
Line Count: 145
Locator: TEXT ON-LINE
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 73 BEIRUT 0180 (1973), 1183 (1972)
Review Action: RELEASED, APPROVED
Review Authority: worrelsw
Review Comment: n/a
Review Content Flags:
Review Date: 25 JUL 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <25-Jul-2001 by elyme>; APPROVED <15-Aug-2001 by worrelsw>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> wfs 971209
Subject: CIVAIR: TMA SCHEDULED SERVICES HONG KONG- TOKYO- U. S.
TAGS: ETRN, HK, JA, LE, US
To: EB
FAA BRUSSELS
HONG KONG
SECSTATE WASHDC
TOKYO
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

